

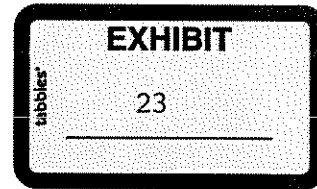


OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

VIA E-Mail

August 24, 2007

Theresa Noble Hill
Rhodes Hieronymous
ONEOK Plaza
100 W 5th Street, Suite 400
Tulsa, OK 74103



RE: State of Oklahoma v. Tyson Foods, et.al, CV-00329 GKF-SAJ

Dear Ms. Hill:

We have received your letter of August 17, 2007, wherein you proposed that the Defendants review documents on-site at the Oklahoma Department of Agriculture, Food and Forestry ("ODAFF"), Oklahoma Department of Wildlife Conservation ("ODWC"), Oklahoma Department of Tourism ("Tourism") and the Oklahoma Department of Mines ("Mines") the week of September 10-17th. You also requested that documents from the Oklahoma Corporation Commission be produced no later than September 28, 2007.

As I have informed you before, documents were produced from ODWC over one year ago. The State subsequently produced additional documents from ODWC on August 2, 2007, and will try to have its document production completed for ODWC by September 10, 2007. The State is not producing documents on site at ODWC, but will provide them on CD/ DVD's to you. If the State cannot complete its production by September 10, 2007, we will let you know when we intend to complete our production.

Further, the majority of documents from Tourism were produced in response to an Open-Records request from Peterson Farms and the State subsequently produced these documents to all Defendants over a year ago. The State will try to complete its production by September 10, 2007, for Tourism. The State is not producing documents on site at Tourism, but will provide them on CD/ DVD's to you. If the State cannot complete its production by September 10, 2007, we will let you know when we intend to complete our production.

The State is reviewing the additional documents requested at ODAFF. The State should be complete in its review of these documents by September 10, 2007 and will work with the Defendants to schedule a mutually agreeable time to review these documents. This will make the third on-site

production at ODAFF. It is my understanding that the "Rules Files" are being converted to electronic images and the State will be producing them as they are kept in the usual course of business. ODAFF is also in the process of its electronic production. The State will have to review this production once it is complete and will produce it as quickly as possible, but I cannot guarantee that it will be complete by September 10, 2007.

As we are now hearing for the first time that you wish to go to the Department of Mines after giving you a list of permits over a month ago, I am not sure that the week of September 10, 2007, will work for us or Mines. We understand the Department of Mines is moving its offices during the month of September, and we are endeavoring to find out when these documents will be available. We will, however, try to produce Mines as quickly as possible. We are also gathering documents from the Corporation Commission and will produce them as soon as they are reviewed. There will be no need for an on-site production at this agency.

I take umbrage to your statement that the Defendants are reserving the right to seek costs you may have because "the State has unnecessarily delayed its production of agency documents, nor are we waiving any claims for costs or fees associated with the manner in which the State has made its document production at these agencies." You have no basis to claim fees and costs for the manner in which the State has produced its documents, and the State is not waiving its right to apply for fees and costs for the manner in which Defendants have produced their documents. The State has not delayed its production necessarily or unnecessarily, in fact the State has not delayed its production at all. The State has bent over backwards to accommodate the Defendants duplicative and repeated requests for documents. The State has produced over one million pages and over 400 boxes of responsive documents to the Defendants. The State has also produced over 177 gigabytes of responsive electronic information.

The Defendants have not yet completed their document production to the State's July 10, 2006, Requests for Production. The State has patiently worked with all Defendants to complete this production. The State looks forward to all parties completing their document productions as soon as possible.

Sincerely,

A handwritten signature in cursive script that reads "J. Trevor Hammons".

J. Trevor Hammons
Assistant Attorney General